

## **MINUTES**

### **MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON FISH AND GAME**

**Call to Order:** By **CHAIRMAN MIKE SPRAGUE**, on January 25, 2001 at 3 P.M., in Room 422 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Mike Sprague, Chairman (R)  
Sen. Jack Wells, Vice Chairman (R)  
Sen. Al Bishop (R)  
Sen. Edward Butcher (R)  
Sen. William Crismore (R)  
Sen. Pete Ekegren (R)  
Sen. Jon Ellingson (D)  
Sen. Eve Franklin (D)  
Sen. Debbie Shea (D)  
Sen. Bill Tash (R)  
Sen. Jon Tester (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Roberta Opel, Committee Secretary  
Mary Vandembosch, Legislative Branch

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: SB 286, 1/23/2001  
Executive Action: SB 262  
Informational Testimony: SB 104

#### **HEARING ON SB 286**

**Sponsor:** SEN. EMILY STONINGTON, SD 15, Bozeman

**Proponents:** Doug Monger, Fish, Wildlife & Parks (FWP),  
Administrator, Parks Division

**Opponents: None**

**Opening Statement by Sponsor:**

**SEN. STONINGTON, SD 15, Bozeman** presented SB 286 which would prepare the Headwaters State Park, Three Forks, for tourist traffic associated with the Lewis & Clark Bicentennial in the year 2003. The Headwaters, one of Montana's primitive parks designated in the Primitive Parks Act, 1993, will be one of the focal points for visitor's, she told the committee.

SB 286 would help preserve the integrity of the park and assist Fish, Wildlife & Parks in preparation for increased tourism, she said. The orientation area of the park would be the only area to be improved, she emphasized, thereby keeping the park primitive.

She urged the committee to resist further development at Headwaters giving visitor's the opportunity to self-explore. She told the committee the bill was designed to represent the desires of Gallatin County, Three Forks residents and all Montanans.

**SEN. SPRAGUE** asked about the fiscal note that accompanied the bill.

**SEN. STONINGTON** said the fiscal note showed no impact. Although there will be expenses associated with the minimal development within the park, financial considerations would be addressed in the Long Range Building and Planning Committee, she noted.

**Proponents' Testimony:**

**Doug Monger, Administrator, Parks, FWP**, submitted written testimony in support of SB 286. **EXHIBIT(fis20a01)** The bill would prepare for the increase in park visitors over the next 10 years.

**Mr. Monger** noted that the Headwaters area was one of the main goals of the Lewis & Clark expedition and is expected to be a focal point of tourism. The bill further allows FWP to make improvements to the orientation area with the remainder of the park with primitive park restrictions.

**Opponents' Testimony:**

**None**

**Questions from Committee Members and Responses:**

**SEN. BILL CRISMORE** asked **SEN. STONINGTON** if she would be opposed to expanding the parking area and park signs at Headwaters State Park.

**SEN. STONINGTON** replied she would resist park development beyond the orientation area. FWP has agreed to put down a visquene layer but she emphasized that was not her preference. She told the committee she felt it essential to retain the primitive status of the Headwaters.

**SEN. BILL TASH** told **SEN. STONINGTON** new signs at the park would be essential to guiding and dispersing the numerous park visitors. He said he has already seen an increase in visitors near his home town. He questioned whether the bill would be putting something in place that is contrary to the requests of advisory groups.

**SEN. STONINGTON** said she agreed that people generally want more understanding of what happened at the Headwaters. Since it is a park of exploration, there could be a brochure with a self-guided tour, she told the committee. Posts denoting existing trails could have additional information on them. The park presently includes an interpretive plaza and an area depicting where Meriwether Lewis did his mapping, **SEN. STONINGTON** said, adding that interpretive material at Headwaters was adequate and the self-guided tour would be allowable under current jurisdiction.

The state highway department will chip seal the road running through the Headwaters, she told the committee.

**SEN. MIKE SPRAGUE** asked **Mr. Monger** if the bill would allow for some development related to paving, additional parking and sanitary facilities.

**Mr. Monger** said those changes would be allowed only in the orientation area. FWP would not be able to gravel or pave new areas. FWP is concerned that with constant traffic over a 5 or 7 year period, there will be a need for a gravel base not currently allowed in this bill.

**SEN. SPRAGUE** asked what time of year FWP's Black Powder Shoot took place at Headwaters.

**Doug Monger** said he believed the event was held in July.

**SEN. SPRAGUE** explained that the Black Powder event would be predictable in terms of visitors as opposed to Lewis & Clark tourist traffic which is unknown.

**Mr. Monger** said the park is open year round with its main use between Labor Day and Memorial Day.

**SEN. SPRAGUE** commented there could be concerns about where visitors would park if conditions were wet in April.

**Mr. Monger** replied, yes, there could be concerns about parking.

**SEN. SPRAGUE** asked if FWP had the flexibility to deal with this parking concern.

**Mr. Monger** said areas within the park not currently paved or with gravel, could not be altered according to the Primitive Parks Act. To protect underlying soils, Mr. Monger continued, FWP could put in place a pit liner with gravel on the top.

**SEN. ED BUTCHER** asked if vehicle traffic could be shut off when conditions in the park became too wet.

**Mr. Monger** said currently there are .33 FTE's staffing the park, a seasonal employee and two volunteers. There will not be year round, full-time staffing, he added.

**SEN. BUTCHER** asked if visitors could currently drive anywhere within the park.

**Mr. Monger** said the park is a linear shape, 1 to 1 ½ miles long with a state highway running through it. There are approximately six to eight pullouts along this highway, he added.

**SEN. CRISMORE** asked if increased traffic would increase the potential for runoff into the river.

**Mr. Monger** replied there was potential for runoff into the river.

**SEN. STONINGTON** explained that when entering Headwaters State Park, there is an orientation area on the right which could be improved with a kiosk. Additional signs and bathroom facilities should also be allowed but the remainder of the park must be kept primitive in accordance with the Primitive Parks Act, she reminded committee members.

**SEN. SPRAGUE** stated that 2001 marked the 100<sup>th</sup> birthday of FWP. The Senate Fish & Game Committee continues to be interested in

promoting positive aspects of the department, he told visitors. He recognized there will be new and unusual phenomena as Montanans anticipate, and collide with, the Lewis & Clark experience.

**SEN. SPRAGUE** and **Mr. Monger** discussed the possibility of a joint tour of the Headwaters State Park in conjunction with the House Fish, Wildlife & Parks Committee.

**Mr. Monger** said he would keep the committee informed of trip plans and a travel date.

**SEN. SPRAGUE** suggested that with additional education, committee members could stop and see for themselves what the Headwaters Park encompasses.

**Closing by Sponsor:**

**SEN. STONINGTON** emphasized to the committee that without passage of SB 286, Headwaters State Park would not be ready for an increase in visitors and would not be a good representation of what the park truly has to offer. She also urged the committee to be conservative in their recommendations.

**SEN. SPRAGUE** asked **SEN. STONINGTON** to comment on the cost of these changes.

**SEN. STONINGTON** said the only figure she was aware of was the \$80,000 grant available for implementing adequate parking, interpretive work and redesigning the orientation area including a kiosk.

**Mr. Monger** clarified the grant would be between \$80,00 and \$150,000.

***{Tape : 1; Side : A}***

**SEN. SPRAGUE** stated he understood there was federal money available to assist the state with the impact of the Lewis & Clark Bicentennial.

**EXECUTIVE ACTION ON SB 262**

**Motion/Vote:** **SEN. WELLS** MOVED SB 262 DO PASS AS AMENDED. The motion carried unanimously, 11-0.

**Discussion:**

**SEN. WELLS** stated the amendment clarifies three different contingencies. According to testimony presented at the hearing on SB 262, there is a method in place for tracking people through alternative identification means, he said.

**SEN. SPRAGUE** asked if there were other state's that had been issued an exemption.

**SEN. WELLS** told the committee Colorado had resisted the federal government without repercussions. He suggested **Mary Ann Wellbank** could explain this statement further.

**Mary Ann Wellbank, Administrator, Child Support Enforcement,** testified that Alaska had recently received an exemption from this requirement based on their state oil well dividend for each Alaska resident. Michigan has been denied an exemption, she continued, while Wisconsin was granted an exemption based on their Amish population. Wyoming is the only state that currently does not comply with system certification, she told committee members.

**SEN. SPRAGUE** asked **Mary Ann Wellbank** if the Foreign Capital Depository Act (anticipated) would allow Montanans to follow this same exemption noting that 50% of all revenue generated from the Depository Act would go to income tax payers and citizens of Montana.

**Mary Ann Wellbank** said she had previously mis-spoken. The Michigan Secretary of State had issues with the social security number requirement on driver's license, she reported to the committee. She said she is tired of "crying wolf" and earnestly wants this exemption for Montanans.

**SEN. SPRAGUE** said he believed the bill was a good bill designed to accomplish things in the best way possible.

**SEN. BISHOP** asked **Mary Ann Wellbank** if she had any concerns with the bill as amended.

**Mary Ann Wellbank** said she believed the bill, with the necessary amendments, is "a great bill."

**Informational Testimony on SB 104:**

**Beate Galda, Administrator, Law Enforcement, FWP**, submitted written testimony regarding SB 104 including newspaper articles (Great Falls Tribune) that had reported discrepancies on the feeding of game. **EXHIBIT(fis20a02)**, **EXHIBIT(fis20a03)** and **EXHIBIT(fis20a04)**.

**ADJOURNMENT**

Adjournment: 4:45 P.M.

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SEN. MIKE SPRAGUE, Chairman

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ROBERTA OPEL, Secretary

MS/RO

**EXHIBIT**(fis20aad)